

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>12/1/05</u>		2 Serial/Patent # <u>09/786,009</u>									
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Office Error											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Kenya McLaughlin</u>		TITLE: <u>Pet. Atty.</u>									
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OFFICE: <u>Petitions</u>											
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APPROVED: <u>Alison Kelly</u>		DATE: <u>12/1/05</u>									

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Practitioner's Docket No. NEB-150-PUS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ming-qun Xu, Thomas C. Evans

Application No.: 09/786,009

Group No.: 1652

Filed: 04/17/2001

Examiner: Moore

For: Intein-Mediated Peptide Ligation

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PETITION TO WITHDRAW ERRONEOUSLY RECORDED NOTICE OF ABANDONMENT
RESULTING FROM MISTAKEN COMMINGLING BY THE USPTO OF TWO CASES**

1. I hereby petition to withdraw the purported holding of abandonment in this case on the basis that:
- (a) RESPONSE TO NOTICE WAS TIMELY FILED.

The response to the Notice Regarding Drawings mailed on August 3, 2005 to the Applicants was timely filed on September 12, 2005 as evidenced by the return postcard date-stamped by the USPTO on September 15, 2005. See copy enclosed of the Notice, the response as filed and the return postcard.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

X deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

X with sufficient postage as first class mail.

37 C.F.R. § 1.10*

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TRANSMISSION

G facsimile transmitted to the Patent and Trademark Office, (703) _____

11/22/2005 SSITHIB1 00000104 09786009

01 FC:1462

400.00 OP

Date: November 17, 2005

Adjustment date: 12/01/2005 AKELLEY
11/22/2005 SSITHIB1 00000104 09786009

01 FC:1462

-400.00 OP

Repln. Ref: 12/01/2005 AKELLEY 0011470300
DAH:140740 Name/Number:09786009 Leslie Goldberg
FC: 9204 \$400.00 CR

Signature

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Petition to Withdraw Holding of Abandonment—Office Action Not Received—page 1 of 3

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